

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649
ph: (508) 539-1400

June 17, 2014

AGENDA
BOARD OF SELECTMEN
MONDAY, JUNE 16, 2014

6:30 p.m. - Convene Meeting – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MINUTES

Approval of the following:

Monday, June 2, 2014 – Regular Session

APPOINTMENTS & HEARINGS

- 6:30 Public Comment
- 6:40 Public Hearing: New All Alcohol Restaurant License
Horace Graham d/b/a MeggieTop, LLC
- 6:50 Public Hearing: New Wine & Malt Restaurant License
RollinWest, Inc., d/b/a Burrito Bistro Mashpee
- 7:00 Catherine Laurent: - Request for Approval of Annual Bid Contracts

- Request for Approval for Fuel Contract Award
- Request for Approval for Bid Extensions
- Proposed Facility Fee Changes
- Request for No Parking Designation

(Monomoscoy Island Homeowners Association)

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

- Endorsement of Watershed Nitrogen Management Plan - Creation of Joint Working Group with Water District for Watershed Nitrogen Management Plan
- The Community Builders – New 2014 Affordable Housing Restriction

NEW BUSINESS

- Request for Approval of Annual Board & Committee Reappointments
- Position Vacancy Request – Payroll Administrator
- Eagle Scout Certificate – James Manduca
- Request for One-Day Liquor License – June Jazz Jam on June 20, 2014

ADDITIONAL TOPICS

(This space is reserve for topics that the Chairman did not reasonably anticipate would be discussed.)

LIAISON REPORTS

EXECUTIVE SESSION

Board of Selectmen

Minutes

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Present: Selectman Richardson, Selectman Sherman,
Selectman Cahalane, Selectman Gottlieb
Town Manager Joyce Mason
Assistant Town Manager Tom Mayo

Absent: Selectman Taylor

Meeting Called to Order by Vice-Chairman Richardson at 6:30 p.m.
Waquoit Meeting Room, Mashpee Town Hall

MINUTES:

Monday, June 2, 2014 Regular & Executive Session:

Motion made by Selectman Sherman to approve the Regular and Executive Session minutes of Monday, June 2, 2014 as presented.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes	Selectman Sherman, yes
Selectman Cahalane, yes	Selectman Gottlieb, yes

APPOINTMENTS & HEARINGS:

Public Comment: None at this time.

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OLD BUSINESS:

Endorsement of Watershed Nitrogen Management Plan – Creation of Joint Working Group with Water District for Watershed Nitrogen Management Plan:

The Board of Selectmen at their June 2, 2014 meeting voted to support the submission of the Watershed Nitrogen Management Plan, but held-off to extend the Water District an opportunity to be involved in the process.

At the meeting, Selectman Gottlieb was authorized to confer with the Water District Chair to discuss the Watershed Nitrogen Management Plan and logistics relative to the proposed transfer of wastewater obligations.

It was disclosed that after review, the process to move forward with the Plan for submission to regulatory officials was endorsed solely by the Water District Chair.

Motion made by Selectman Cahalane to endorse the submission of the Watershed Nitrogen Management Plan for review to MEPA, DEP and the Cape Cod Commission.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes	Selectman Sherman, yes
Selectman Cahalane, yes	Selectman Gottlieb, yes

In reviewing the Act proposed to authorize the establishment of the Mashpee Water and Sewer District, Selectman Gottlieb recommended the Board review terms and conditions relative to the proposed transfer between now and the May 2015 election by forming a working group.

The Act if approved by the voters would authorize the Water District to engage in wastewater operations as well as waterworks operations which would permit the Water District to take over and operate the Town's wastewater and sewer functions.

Motion made by Selectman Gottlieb to authorize the creation of a working group to review with Water District representation, the logistics of the potential for sewerage and the Town's outgoing role for nitrogen management that is non-structural.

There was no second to the motion.

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OLD BUSINESS:

Endorsement of Watershed Nitrogen Management Plan – Creation of Joint Working Group with Water District for Watershed Nitrogen Management Plan:

(continued)

It was suggested that additional representatives such as a second Selectman member, a Sewer Commission member and the Shellfish Constable serve on the working group. Upon review, it was agreed that a small working group be formed to layout the issues to complete the endeavor and further, be cost effective for the Town of Mashpee and its citizens.

Motion made by Selectman Cahalane to form a working group comprised of Selectman Gottlieb, Selectman Richardson and Town Manager Mason, to recommend the mechanisms required for effective wastewater management.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes	Selectman Sherman, yes
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Selectman Cahalane, yes Selectman Gottlieb, yes

For effective management, additional options under consideration include shared responsibilities.

It was noted the adaptive management approach in the Plan to achieve nitrogen compliance includes soft solutions identified using shellfish aquaculture, fertilizer controls, and Town regulatory authority and controls.

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APPOINTMENTS & HEARINGS:

**Public Hearing – New All Alcohol Restaurant License – Horace Graham
d/b/a Meggie Top, LLC:**

Acting as the Licensing Authority for the Town of Mashpee, the Board of Selectmen opened the Public Hearing on the application of Horace Graham d/b/a MeggieTop, LLC, Voyna Jones, Manager for an Annual All Alcohol Restaurant License at 13 Lake Avenue, Mashpee.

The Hearing notice was read aloud into the record to conform to posting requirements. Horace Graham and Voyna Jones were in attendance to review the license request with members of the Board of Selectmen and interested public.

The premise is the site of the former Flume Restaurant. It is described as two floors consisting of a restaurant and basement. The first floor, 2,048 square feet has two dining rooms and a bar with a seating capacity of 84. There are two restrooms on the first floor and two means of egress. The basement, 1,444 square feet will be used for storage and an office.

Mr. Graham presented the proof of abutter notification to the Board to complete the necessary paperwork required for the license.

It is the intention of the restaurant owner to open on a year round basis serving Jamaican and American cuisine to its patrons. With appropriate approvals, the restaurant will open by mid-August.

Being no public comment, the Board motioned to close the Public Hearing.

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman Cahalane.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes Selectman Sherman, yes
 Selectman Cahalane, yes Selectman Gottlieb, yes

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APPOINTMENTS & HEARINGS:

Public Hearing – New All Alcohol Restaurant License – Horace Graham
d/b/a Meggie Top, LLC: (continued)

**Motion made by Selectman Sherman to grant Horace Graham d/b/a MeggieTop, LLC, Voyna Jones,
Manager, an Annual All Alcohol Restaurant License at 13 Lake Avenue, Mashpee.**

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes Selectman Sherman, yes
 Selectman Cahalane, yes Selectman Gottlieb, yes

NEW BUSINESS:

Position Vacancy Request – Payroll Administrator:

A Position Vacancy Request was before the Selectmen for the job of Payroll Administrator to the Human Resources Department effective June 27, 2014.
The starting salary for the full time position is \$22.56 per hour.

**Motion made by Selectman Cahalane to approve the Position Vacancy Request for advertisement of the job
title; Payroll Administrator as referenced.**

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes Selectman Sherman, yes
 Selectman Cahalane, yes Selectman Gottlieb, yes

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NEW BUSINESS:

Eagle Scout Certificate – James Manduca:

Correspondence was received from Susan Dostilio, Chair of the Boy Scouts of American Troop 36, Mashpee announcing that James Manduca has received the rank of Eagle Scout on May 20, 2014.

The Eagle Scout project was to design, plan and lead a group of boys to build an outdoor classroom and refurbish Stations of the Cross for the St. John's Evangelist Church in Pocasset, MA.

James Manduca will receive the distinguished honor on June 21, 2014. It was agreed that Wayne Taylor, Chair of the Board of Selectmen would attend the ceremony, and present the citation to James.

Motion made by Selectman Gottlieb to award a Citation to James Manduca, BSA Troop 36, Mashpee in honor of his Eagle Scout achievement.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes	Selectman Sherman, yes
Selectman Cahalane, yes	Selectman Gottlieb, yes

OLD BUSINESS:

The Community Builders – New 2014 Affordable Housing Restriction:

Motion made by Selectman Gottlieb to place the above referenced topic on the Selectmen's agenda.

Motion seconded by Selectman Cahalane.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes	Selectman Sherman, yes
Selectman Cahalane, yes	Selectman Gottlieb, yes

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OLD BUSINESS:

The Community Builders – New 2014 Affordable Housing Restriction: (continued)

At their last meeting, the Board of Selectmen met with James Perrine of The Community Builders to review the final phase of renovation planned for the Mashpee Village Apartments. The Selectmen were requested to exercise the roll-over of the \$500,000 Promissory Note issued by the Town of Mashpee for the initial construction of the Mashpee Village project in 1994.

After review, it was agreed that representing counsels would confer with respect to the final disposition of this

loan. Correspondence was received from Town Counsel dated June 16, 2014 with respect to this regard.

Since the Board has initiated the concept of the Town's forgiveness and release of the 1994 loan, Town Counsel prepared a recommended motion for the Selectmen's consideration. It was noted the subject property is heavily subsidized by other grants and government loans and secured by enforceable restrictions. As a result, the affordability of the Mashpee Village units is essentially guaranteed.

Mr. Perrine was in attendance to review this matter with the Board of Selectmen. Mr. Perrine indicated that he is comfortable with the proposed action. In addition to TCB's attorney reviewing this issue, the counsel for MassHousing has been briefed on this matter.

Motion made by Selectman Gottlieb to move that the Board vote to authorize the release and forgiveness of any further performance by TCB Mashpee Village Limited Partnership, its successors and assigns, under the Loan Agreement, dated October 21, 1994, in consideration of the execution and recording of a long term Affordable Housing Restriction by the New Mashpee Village Limited Partnership, the current owner, in substantially the form presented to the Board tonight; subject to Town Counsel's review and approval of the legality of this transaction. Further, I move that the Board authorize the Town Manager to execute on its behalf any documents necessary to affect the release or forgiveness of the subject Loan and/or the Affordable Housing Restriction.

Motion seconded by Selectman Cahalane.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes Selectman Sherman, yes

Selectman Cahalane, yes Selectman Gottlieb, yes

Board of Selectmen

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June 16, 2014

NEW BUSINESS:

Request for Approval of Annual Board & Committee Reappointments:

The Board of Selectmen reviewed the Annual Reappointment List for terms due to expire June 30, 2014.

In concern to a perceived transparency with respect to the Community Preservation Committee, and funds appropriated to the Mashpee Housing Authority for the Housing Assistance Program, it was suggested the Board defer the appointment of the Affordable Housing representative pending the release of a commitment from the MHA to submit an audit of expenditures relative to this regard. The audit was prompted by the Town Manager last August when the Board of Selectmen reviewed this matter with the Housing Authority's Executive Director.

A motion was made with respect to this regard by Selectman Gottlieb in request of a commitment prior to the Selectmen's June 30th meeting. The vote was 3-1. However, the motion was rescinded since the motion encompassed the reappointment list in its entirety.

Motion made by Selectman Gottlieb to hold the reappointment of Richard Halpern (representative to the Mashpee Housing Authority) to the Community Preservation Committee pending the release of a commitment for an audit as requested for expenditures from the Community Preservation Fund from the Mashpee Housing Authority; Housing Assistance Program prior to the Selectmen's June 30, 2014 meeting.

Motion seconded by Selectman Sherman.

VOTE: 3-1.

Roll Call Vote:

Selectman Richardson, yes Selectman Sherman, yes

Selectman Cahalane, no Selectman Gottlieb, yes

Opposed, (1)

Selectman Cahalane recommended that Town Counsel be consulted with respect to this regard.

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NEW BUSINESS:

Request for Approval of Annual Board & Committee Reappointments:
(continued)

Motion made by Selectman Gottlieb to approve the 2014 Annual List of Reappointments (with the exception of the reappointment of the CPC Member as previously noted) as presented.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes	Selectman Sherman, yes
Selectman Cahalane, yes	Selectman Gottlieb, yes

APPOINTMENTS & HEARINGS:

Public Hearing – New Wine & Malt Restaurant License – RollinWest, Inc., d/b/a Burrito Bistro Mashpee:

The Board of Selectmen opened the Public Hearing on the application of RollinWest, Inc., d/b/a Burrito Bistro Mashpee, Christopher Tucker, Manager, for an Annual Restaurant Wine & Malt Beverage License located at 13 Greene Street, Mashpee.

The Hearing notice was read into the record in accordance with posting procedures. Mr. Tucker was in attendance to review the license request with the Board of Selectmen. All necessary paperwork was in order for the Selectmen's approval.

Mr. Tucker indicated he operates a similar establishment in Hyannis and intends to mirror the operation, menu and staffing at the Mashpee site location. The premise is described as 1,772 sf including a 600 sf dining area with 46 seats, 390 sf kitchen/storage area, and 300 sf kitchen/service area. Two exists are located in the front of the building.

With appropriate approvals, the new bistro is expected to open in approximately four to five weeks. Being no further comment, the Board motioned to close the Public Hearing.

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APPOINTMENTS & HEARINGS:

Public Hearing – New Wine & Malt Restaurant License – RollinWest, Inc., d/b/a Burrito Bistro Mashpee: (continued)

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes Selectman Sherman, yes
Selectman Cahalane, yes Selectman Gottlieb, yes

Motion made by Selectman Sherman to approve the application of RollinWest, Inc., d/b/a Burrito Bistro Mashpee, Christopher Tucker, Manager for an Annual Restaurant Wine & Malt Beverage License located at 13 Greene Street, Mashpee.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes Selectman Sherman, yes
Selectman Cahalane, yes Selectman Gottlieb, yes

Catherine Laurent – Request for Approval of Annual Bid Contracts:

Catherine Laurent, Director of Public Works was in attendance to recommend the Board award the annual bid contracts as listed in the memorandum to the Board dated June 9, 2014 for fiscal year 2015. All bids were noted to have competitive pricing.

Motion made by Selectman Gottlieb to approve the Annual Bid Contracts for FY15 as submitted and referenced in the memorandum of June 9, 2014.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Richardson, yes Selectman Sherman, yes
Selectman Cahalane, yes Selectman Gottlieb, yes

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Catherine Laurent – Request for Approval for Fuel Contract Award:

It was recommended the Board award a contract to Noonan Brothers Petroleum, Inc. for the purchase of both unleaded gasoline and diesel for FY15. It was noted the prices are for delivery only and are 1% lower than the contract delivery price for FY14. The bids were outlined in a memorandum dated June 9, 2014 from the DPW Director.

Motion made by Selectman Gottlieb to approve the Fuel Contract Award to Noonan Brothers Petroleum, Inc. as referenced.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes Selectman Sherman, yes
Selectman Cahalane, yes Selectman Gottlieb, yes

Catherine Laurent – Request for Approval for Bid Extension:

Correspondence was received from the DPW Director dated June 11, 2014 recommending the extension of contacts for the annual bids to be awarded in fiscal year 2015.

Motion made by Selectman Gottlieb to approve the Extension of Contracts for the Annual Bids as referenced in the memorandum of June 11, 2014.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes	Selectman Sherman, yes
Selectman Cahalane, yes	Selectman Gottlieb, yes

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Catherine Laurent - Proposed Facility Fee Changes:

Catherine Laurent, Director of Public Works presented a memorandum to the Board dated May 27, 2014 relative to proposed changes to the Facilities Use Fee Schedules. New fees if supported by the Selectmen would take effect on July 1, 2014 at all Town buildings and facilities (with the exception of the Mashpee Public Library).

Attached to the memorandum was a comparison of fees currently charged in the Town of Mashpee to fees charged by the Towns of Barnstable and Falmouth. It was noted the DPW is also responsible for the school facilities, Heritage Park and the Senior Center.

Motion made by Selectman Gottlieb to approve the Facility Use Fee Schedules as recommended and effective July 1, 2014.

Motion seconded by selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes	Selectman Sherman, yes
Selectman Cahalane, yes	Selectman Gottlieb, yes

Catherine Laurent – Request for No Parking Designation (Monomoscoy Island Homeowners Association):

The Monomoscoy Island Homeowners Association has requested that parking be prohibited at the end of the road in the cul-de-sac which is narrower than required by current regulations affecting the ability of public safety apparatus, DPW trucks and delivery trucks to traverse the area.

It was disclosed the homeowners have discussed this matter with the Chief of Police who is supportive of this request.

Motion made by Selectman Sherman to approve the request of the Monomoscoy Island Homeowners Association, and enforce the No Parking Designation at the end of the road cul-de-sac.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes Selectman Sherman, yes
Selectman Cahalane, yes Selectman Gottlieb, yes

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Catherine Laurent – Quashnet School Parking Lot:

In other business, Ms. Laurent reviewed the revised parking configuration for the Quashnet School parking lot re-designed for safety and ease of traffic flow. The project is anticipated to be completed prior to the new school year.

Catherine Laurent – Town Beaches:

The re-configured parking lot and added shoreline protection at South Cape Beach is anticipated to be completed prior to the onset of the upcoming beach season. Addition work required to complete the project will begin after Labor Day.

With State funding, work has also commenced at the Wills Work Road site for beach access.

NEW BUSINESS:

Request for One-Day Liquor License – June Jazz Jam on June 20, 2014:

Susan VanTol was in attendance to request the Board approve a One-Day Liquor License on June 20, 2014 to benefit the Mashpee Teachers' Association Scholarship fund. The event as planned is entitled *June Jazz Jam*.

Ms. VanTol indicated the fundraiser will be held at 21 Joy Street, Mashpee. In addition to providing wine, soft drinks, coffee and desserts will be served during the musical performance featuring the Russ Wilcox-Cline Trio from 7:30 p.m. to 10:00 p.m. Approximately 50 persons are anticipated to attend the function.

After a brief discussion, it was agreed the applicant is required to provide the Town with a certificate of insurance reflective of the liability policy.

Motion made by Selectman Gottlieb to approve the request of Susan VanTol d/b/a Coastal Cottage for a One-Day Liquor License; Wine & Malt on Friday, June 20, 2014 at 21 Joy Street, Mashpee pending the presentation of a certificate of insurance prior to the event.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes Selectman Sherman, yes
Selectman Cahalane, yes Selectman Gottlieb, yes

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LIAISON REPORTS:

Mashpee Cares: *A conversation with Chief Collins* is scheduled on June 24th at the Mashpee Senior Center at 2:00 p.m.

Mashpee High School Commencement: Selectman Richardson was invited to serve as a guest speaker at the

Mashpee High School Commencement held earlier this month.

Special Events: The annual Mashpee Community Picnic is scheduled to be held on July 1, 2014 at the Mashpee High School beginning at 5:00 p.m.

Therapeutic Playground: The K.C. Coombs School therapeutic playground ground-breaking ceremony is scheduled on June 24th beginning at 10:00 a.m.

Environmental Oversight Committee: The EOC is expected to make a presentation to the Board of Selectmen at their next meeting regarding the proposed fertilizer bylaw.

Adjournment:

Motion made by Selectman Cahalane to adjourn at 7:28 p.m.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Richardson, yes	Selectman Sherman, yes
Selectman Cahalane, yes	Selectman Gottlieb, yes

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen